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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,288	07/20/2001	Hiroaki Kitano	450100-3752.1	1721
20999	7590	04/19/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. **09/910,288**Applicant(s)  
KITANO ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/18/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the amendment filed on 10/18/04. Claims 11-17 have been canceled and claims 1-10 are pending in the application.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 10, line 20, "the comparing step" is vague and indefinite because it does not refer to any previous step. Please clarify, so the meter and boundary of the claim can be determined. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve (USP 5682525) in view of Numagani (USP 5155774).

Regarding claims 1-3 and 5, Bouve discloses an information retrieval apparatus (Fig 1, Ref 20) for retrieving information from a remote data base (Fig 1, ref 12), said remote data base comprising image information for a plurality of images and at least corresponding location data (col. 1, lines 60 to col. 3, lines 52) comprising location detection means for detecting a current position location of said information retrieval apparatus (col. 10, lines 60 to col. 11, lines 14); imaging means for obtaining an image at the current position location of the information retrieval apparatus (Col. 13, lines 50 to col. 14, lines 19); means for determining a limited portion of the remote data base based on the current position location of the information retrieval apparatus for retrieving the number of pictures that associated with the determined location (Fig 1, Ref 10 has means for determining a limited portion of the database 12 which corresponding the current position of the mobile device; Col. 11, lines 3-14 and col. 2, lines 10-63, the portion of database is selected from database and transmitted to the user's device); reception means for receiving the image data and at least the corresponding location data via a computer network (Fig 1) and reception means has a portable telephone function and is connected to the computer network via a telephone line (Fig 8). However, Bouve fails to disclose means for searching the limited portion of the remote database to acquire image information corresponding to a number of images based on the obtained image from the imaging means. In the same field of endeavor, Numagami discloses means for determining a limited portion of the remote data base based on the current position location of the information retrieval apparatus and for searching the limited portion of the remote database to acquire image information corresponding to a number of images based on the obtained image from the imaging means (See col. 2, lines 23-50 and Fig 1 discloses Ref 5 for determining the limited portion of the database 6 based on the location

information of the device 4 and searching the limited portion of the database to obtain a image that corresponds to the captured imaged of Ref 1).

Since, Numagami suggests the use of comparing a captured image and retrieved image from database in order to provide an exact match between the images (Col. 1, lines 13-42). Bouve suggests a camcorder, video capture and digital devices (Col. 14, line 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a means for determining and searching images of the database which corresponds to the location of system to select a image corresponding with the captured image as disclosed by Numagami's system into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

Regarding claim 6, Bouve discloses an information retrieval apparatus (Fig 1, Ref 20) for retrieving information from a remote data base (Fig 1, ref 12), said remote data base comprising image information for a plurality of images and at least corresponding location data (col. 1, lines 60 to col. 3, lines 52) comprising location detection means for detecting a current position location of said information retrieval apparatus; imaging means for obtaining an image at the current position location of the information retrieval apparatus (Col. 13, lines 50 to col. 14, lines 19); transmitting means for transmitting said detected current position location to the remote data base (col. 10, lines 60 to col. 11, lines 14); first receiving means for receiving designation information for retrieving additional information corresponding to said obtained image; means for determining a limited portion of the remote data base based on the current position location of the information retrieval apparatus for retrieving the number of pictures that associated with the determined location (Fig 1, Ref 10 has means for determining a limited portion of the

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database 12 which corresponding the current position of the mobile device; Col. 11, lines 3-14 and col. 2, lines 10-63, the portion of database is selected from database and transmitted to the user's device and retrieving addition information based on the received point of interest), checking means for checking whether user's manual operation is needed to acquire said additional information corresponding to said designation information; second receiving means for receiving additional information based on the designation information; and displaying means for displaying said additional information (Col. 13, lines 50 to col. 14, lines 19 for checking if the user click "manual operation" one of the designation information to acquire the additional information from the database, See Fig 12). However, Bouve fails to disclose means for searching the limited portion of the remote database to acquire image information corresponding to a number of images based on the obtained image from the imaging means. In the same field of endeavor, Numagami discloses means for determining a limited portion of the remote data base based on the current position location of the information retrieval apparatus and for searching the limited portion of the remote database to acquire image information corresponding to a number of images based on the obtained image from the imaging means (See col. 2, lines 23-50 and Fig 1 discloses Ref 5 for determining the limited portion of the database 6 based on the location information of the device 4 and searching the limited portion of the database to obtain a image that corresponds to the captured imaged of Ref 1).

Since, Numagami suggests the use of comparing a captured image and retrieved image from database in order to provide an exact match between the images (Col. 1, lines 13-42). Bouve suggests a camcorder, video capture and digital devices (Col. 14, line 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made

to apply a means for determining and searching images of the database which corresponds to the location of system to select a image corresponding with the captured image as disclosed by Numagami's system into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

Regarding claims 7-10, Bouve discloses (Figs 1-12 and col. 1, lines 5 to col. 14, lines 55) an information retrieval apparatus (Fig 1, Ref 20) for retrieving information from a remote data base (Fig 1, ref 12), said remote data base comprising image information for a plurality of images and at least corresponding location data (col. 1, lines 60 to col. 3, lines 52) comprising location detection means for detecting a current position location of said information retrieval apparatus; imaging means for obtaining an image at the current position location of the information retrieval apparatus (Col. 13, lines 50 to col. 14, lines 19); transmitting means for transmitting said detected current position location to the remote data base (col. 10, lines 60 to col. 11, lines 14); means for determining a limited portion of the remote data base based on the current position location of the information retrieval apparatus for retrieving the number of pictures that associated with the determined location (Fig 1, Ref 10 has means for determining a limited portion of the database 12 which corresponding the current position of the mobile device; Col. 11, lines 3-14 and col. 2, lines 10-63, the portion of database is selected from database and transmitted to the user's device including the items of interest which uses to retrieve additional information); reception means for receiving the acquired image information (Fig 1, Ref 20). However, Bouve fails to disclose means for searching the limited portion of the remote database to acquire image information corresponding to a number of images based on the obtained image from the imaging means; checking means for checking a match between said received image and

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said obtained image before displaying. In the same field of endeavor, Numagani discloses means for determining a limited portion of the remote data base based on the current position location of the information retrieval apparatus and for searching the limited portion of the remote database to acquire image information corresponding to a number of images based on the obtained image from the imaging means and checking means for checking a match between said received image and said obtained image (See col. 2, lines 23-50 and Fig 1 discloses Ref 5 for determining the limited portion of the database 6 based on the location information of the device 4 and searching the limited portion of the database to obtain a image that corresponds to the captured imaged of Ref 1 by using a matching method before displaying the image).

Since, Numagami suggests the use of comparing a captured image and retrieved image from database in order to provide an exact match between the images (Col. 1, lines 13-42). Bouve suggests a camcorder, video capture and digital devices (Col. 14, line 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a means for determining and searching images of the database which corresponds to the location of system to select a image corresponding with the captured image as disclosed by Numagami's system into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve and Numagami as applied to claim 1 above, and further in view of Hudetz (USP 5978773).

Regarding claim 4, Bouve and Numagami do not disclose the claimed invention. In the same field of endeavor, Hudetz discloses a method and apparatus for retrieving the internet address of a product by using UPC code on a product by a digital device and click on the button



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to access the designated information (Read on the corresponding location data is a URL for specifying information stored in a server of a world wide web build up on the Internet; See Fig 1, 4 and 6).

Since, Bouve suggests that the user can access addition information by click on the selected item. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of associating an URL with the request information in order to allow the user to access additional information as disclosed by Hudetz's system and method into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

#### ***Response to Arguments***

8. Applicant's arguments filed 10/18/04 have been fully considered but they are not persuasive.

The applicant states that Numagami does not disclose searching the limited portion of the remote database to acquire image information corresponding to a number of images based on the obtained image from the imaging means. In reply, Numagami discloses a method for retrieving the maps from a database based on the location of camera such GPS and matching the retrieved maps with the captured map (See col.2, lines 23-50) and Bouve discloses a method for determining the images in the database that corresponds with the location of the device such GPS for transmitting them to the user's device for display (Col. 3, lines 46-52).

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
4/13/05